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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,626	01/14/2004	Janghwan Lee	PU030211	4858
24498 7590 08/22/2007 JOSEPH J. LAKS, VICE PRESIDENT THOMSON LICENSING LLC PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			EXAMINER SHIBRU, HELEN	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/757,626	<b>Applicant(s)</b> LEE, JANGHWAN	
	<b>Examiner</b> HELEN SHIBRU	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Information Disclosure Statement***

1. The attorney of record signed the IDS filed on 01/14/2004. Supplemental unsigned IDS must be submitted.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Aotake (US Pat. No. 5,732,067).

Regarding claim 1, Aotake discloses a video recording and playback system comprising: a video storage device for supplying video data at an output (see fig. 2 and col. 5 lines 10-52 where it shows data is output from the storage); said video storage device including at least one memory capable of storing frames of video data according to a packet format providing a trick mode indicator (see fig. 7 and col. 8 line 21-col. 12 where it discloses stream of file and output packetized data); a controller coupled to said memory for controlling operations of said memory (see fig. 2); a user control device operable with said controller to allow a user to communicate stop and pause commands to said controller (see fig. 2 remote controller); a processor cooperating with said Controller so as to clear said trick mode indicator of at least one retrieved packet in response to said stop command and so as to set said trick mode indicator of at least one

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retrieved packet in response to said pause command (see col. 5 lines 24-65 and col. 28 lines 6-47).

Regarding claim 2, Aotake discloses a video display device including a decoder capable of detecting stop and pause commands based, at least in part, upon said trick mode indicator (see col. 27 line 43-col. 28 line 47).

Regarding claim 4, Aotake discloses decoder detects a pause command based upon said trick mode indicator and the contents of a trick mode field of at least one of said packets (see col. 8 lines 9-20 and col. 28 lines 17-47).

Regarding claim 5, Aotake discloses trick mode indicator is a trick mode flag of an MPEG-2 compliant video packet (see col. 27 lines 56-65).

Regarding claims 6-7, Aotake discloses the said trick mode field is a trick mode field of an MPEG-2 compliant video packet and the said packet comprises an MPEG- 2 complaint video packet (see col. 5 lines 10-39).

Regarding claim 8, Aotake discloses the said packet comprises a DSM-CC compliant video packet (see cols. 17-28, it is inherent that the video packet is DSM-CC standard).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

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matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, and 9-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Aotake (US Pat. No 5732067) in view of Flannery (US PG Pub. 2002/0085834 A1).

Regarding claim 9, Aotake discloses a video system including: a sender including an input for receiving video streams and an output for providing packetized data including video images to a receiver (see fig. 2, fig. 7, col. 8 line 21-col. 12); said sender responsive to user commands (see fig. 2 remote controller 9 where user input commands); said receiver including: an input capable of receiving said packetized data (see cols. 5-6 and col. 8); and an output for providing corresponding video images formatted for display (see fig. 2 component D/A(23) and picture output (26) and fig. 13); a user operable control device for communicating said user commands to said sender (see fig. 2 and col. 28 lines 17-28); said commands including at least a first command type and a second command type (command includes stop and pause, see col. 28 lines 17-28); wherein both said first and second command types cause said sender to stop providing said packetized data to said receiver (see col. 28 lines 29-47).

Claim 9 differs from Aotake in that the claim further requires sender responsive to said commands so as to indicate the last communicated command type in said packetized data before stopping sending of said packetized data and the said receiver including a decoder for determining, based at least in part upon said indicator, said last communicated command type.

In the same field of endeavor Flannery discloses microcontroller and memory interfaces with display for displaying information to a user adapter. A user may control adapter and optical

storage media drive via an input control line (see paragraph 0031). Flannery further discloses the display may also display information such as the last selected command, which are play, pause, and stop (see paragraph 0020). After the user sees the last command, she/he may decide to stop sending the data. User interface may include control circuits in conjunction with buttons (play, pause, stop, search forward and search reverse, etc.), and display to control the operation of the drive (see paragraph 0028). Flannery further discloses the decoder is couples to digital interface, microcontroller and memory (see paragraph 0035). Therefore in light of the teaching in Flannery it would have been obvious to one of ordinary skill in the art at the time the invention was made to determine the last communicated command type in order to control the playback function of the drive.

Claim 3 is rejected for the same reason as discussed in claim 9 above.

Claims 10-12 are rejected for the same reason as discussed in claim 9 above.

Regarding claim 13, the limitation of claim 13 can be found in claim 11 above. Therefore claim 13 is analyzed and rejected for the same reason as discussed in claim 9 above. It is noted that Flannery discloses operational information of the material recorded on the storage are retrieved (see paragraph 0020).

Regarding claim 14, Aotake discloses the said video sender comprises a Personal Video Recording Device and wherein said video receiver comprises an MPEG compliant video decoder (see fig. 7 and col. 5 lines 10-39).

Regarding claim 15, Aotake discloses said video system comprises a High Definition Television system (see col. 6 lines 13-44 and col. 7 lines 46-53).

Regarding claim 16, the limitation of claim 16 can be found in claim 9 above. Therefore claim 16 is analyzed and rejected for the same reason as discussed in claim 9 above. It is noted that both Aotake and Flannery discloses a video data stream comprising moving picture data and the pictures are retrieved from memory and decoded and displayed from the memory (see figs. 1-2, 4-8 in Aotake and figs. 2-6 in Flannery).

Claim 17 is rejected for the same reason as discussed in claim 9 above.

Claim 18 is rejected for the same reason as discussed in claim 9 above.

Regarding claim 19, Aotake discloses the said setting step is performed by personal video recording and playback device (see fig. 2 in Aotake and figs. 5-6 in Flannery).

Claim 20 is rejected for the same reason as discussed in claim 9 above.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mao et al (US Pat. No. 7,089, 579).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru  
August 10, 2007

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